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## REMARKS

This amendment is in response to the Notice of Non-Compliant Amendment dated December 11, 2003 (copy enclosed), and is a resubmittal of applicant's Supplemental Amendment filed November 4, 2003. The purpose of this amendment is to further respond to the Office Action of July 10, 2003, and to supplement applicant's prior amendment of September 25, 2003.

This amendment now provides a complete listing of all of the claims now pending in this application, including the text of all claims and a status indicator for each claim. Accordingly, it is believed that this amendment is now fully compliant with the current amendment practice guidelines. Entry of this amendment is therefore respectfully requested.

Applicant notes with appreciation the indication in the Notice that the amendment filed November 4, 2003 is considered to be a bona fide response, and that applicant has been given one month to resubmit an amendment. This amendment is being filed within such one-month period.

### Reinstatement of Original Claims, with Minor Amendments

Please disregard all amendments made to the claims in applicant's prior amendment of September 25, 2003, and please reinstate all of the original claims in this application, as amended herein with minor amendments. In addition, please cancel the new claims 19-22 that were added in the prior amendment of September 25, 2003.

The purpose of this change is that the prior claim amendments made September 25, 2003 were made inadvertently. Thus, reinstatement of the original claims is requested, with minor amendments herein.

Applicant wishes to continue prosecution of the claims as presented herein. In that regard, applicant hereby repeats the arguments made in the prior amendment of September 25, 2003. Applicant submits that the claims are not obvious over the art cited by the Examiner, for the reasons discussed in the amendment of September 25, 2003.

### Request for Reconsideration of Withdrawal

Applicant also again requests the Examiner to reconsider her withdrawal of claims 6-16 pursuant to the final election requirement made in the Office Action of July 10, 2003. Specifically, applicant submits that the elected species in the present case involve the subject matter of claims 1-8, 11, 12-15 and 17 and 18, for the reasons discussed in the amendment of September 25, 2003. Further, it is pointed out that the European Patent Office examiner in the International Preliminary Examination Report, dated 02.01.2002 (copy enclosed), for the priority PCT application previously indicated that

claims 1-8, 11, 17 and 18 are all drawn to the same invention. See the Separate Sheet in that Report discussing "Item IV, Lack of Unity of Invention" (relevant portion attached hereto and highlighted).

Conclusion

In conclusion, all claims are now believed to be allowable. Accordingly, applicant respectfully requests that a timely Notice of Allowance be issued in this case.

If there are still unresolved issues requiring adverse action, it is requested that the Examiner contact applicant's attorney so that appropriate arrangements can be made for discussing and perhaps resolving the same.

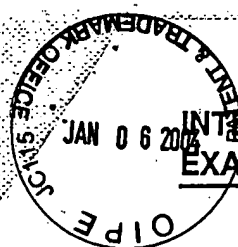
Respectfully submitted,

MUSERLIAN, LUCAS AND MERCANTI, LLP

By: \_\_\_\_\_

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Dated: January 6, 2003



INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET

International application N. PCT/NL00/00639

Reference is made to the following documents, previously cited in the International Search Report:

- D1: WO-A-99 31494 (AROMASCAN) 24 June 1999
- D2: DE-A-195 09 518 (INST CHEMO BIOSENSORIK) 26 September 1996
- D3: DE-A-28 45 269 (MESSERSCHMITT BOELKOW BLOHM) 30 April 1980
- D4: DE 34 37 950 A (TARUTTIS ARNO H DIPL ING) 18 April 1985

**Re Item IV**

**Lack of unity of invention**

1. The application is not unitary (Rule 13.1 PCT) and relates to four separate inventions which constitute the subject-matter of the following groups of claims:
  - i) claims 1-8, 11, 17 and 18 for a moisture sensor comprising an electric circuit and ICPs, wherein the ICPs form part of a capacity, the electric circuit being arranged for detecting a change in capacity;
  - ii) claims 9, 10 and 17, for a moisture sensor comprising an electric circuit and ICPs, wherein the electric circuit comprises a transponder incorporated into a casing including ICPs;
  - iii) claims 12-15 and 17, for a moisture sensor comprising an electric circuit and ICPs, wherein the sensor comprises a current-conductive fabric comprising ICPs; and
  - iv) claims 16-18, for a moisture sensor comprising an electric circuit and ICPs, wherein the sensor comprises at least two layers including ICPs and a moisture-absorbing dielectric located between said layers, the electric circuit being arranged for detecting a voltage difference between said layers.
2. The four separate inventions cited above are not linked so as to form a single general inventive concept for the reasons listed below.

The technical relationship among said inventions is that they concern a moisture

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Paper No.

## Notice of Non-Compliant Amendment (Voluntary Revised Practice)

The amendment filed 11-4-03 under the voluntary revised amendment practice guidelines<sup>1</sup>, published in the Official Gazette on February 25, 2003 (*Amendments in a Revised Format Now Permitted*, 1267 Off. Gazette 106), does not fully comply with minimal requirements of the voluntary practice. In order for the amendment to be entered, it must either (1) comply with the guidelines of the voluntary revised amendment practice (which practice invokes waivers of certain 37 CFR 1.121(a)-(d) requirements) or (2) comply with current 37 CFR 1.121 requirements.

THE FOLLOWING ITEM(S) IN APPLICANT'S AMENDMENT CAUSES THE AMENDMENT TO BE NON-COMPLIANT WITH THE VOLUNTARY REVISED AMENDMENT PRACTICE.

- ☒ 1. A complete listing of all of the claims is not present in the amendment paper.
- ☒ 2. The listing of claims does not include the text of all claims currently under examination.
- ☐ 3. The claims of this amendment paper have not been presented in ascending numerical order.
- ☒ 4. Each claim has not been provided with a status identifier, and, as such, the individual status of each claim cannot be determined.
- ☐ 5. Other: \_\_\_\_\_

LIE: Check one of the following boxes:

- ☐ **PRELIMINARY AMENDMENT:** Applicant is given ONE MONTH from the mail date of this letter to re-submit the amendment in compliance with either the guidelines of the revised amendment practice or current 37 CFR 1.121. Failure to comply with either the current 37 CFR 1.121 practice or with the voluntary practice will result in non-entry of the amendment and examination on the merits will commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- ☒ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be a *bona fide* response, applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit an amendment which complies with either the voluntary practice guidelines or current 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

[ Signed by Team Leader ]

Team Leader

For further explanation of the guidelines of the revised amendment format, please see the posted notice and sample amendment format at:  
<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf> and  
<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/formatrevamdtprac.pdf>

March 26, 2003



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,576	08/27/2002	Peter Hillebrand De Haan	308.1001	7179

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EXAMINER	
WILSON, KATINA M	
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DATE MAILED: 12/11/2003

MUSERLIAN, LUCAS AND MERCANTI LLP

Please find below and/or attached an Office communication concerning this application or proceeding.

1/11/04